THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16801 of 2006

Date:20-03-2007

Between:

Manish Kapoor ..
PETITIONER

AND

The Commissioner of Police, Hyderabad and four others

..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not registering the crime by issuing a first information report against the 5th respondent and to direct the 4th respondent to register the crime and issue FIR against the 5th respondent.

2. The case of the petitioner is that though he made a written representation, dated 23.06.2006 making certain allegations against the 5th respondent that he has committed a cognizable offence, no crime has been registered.

3. A counter has been filed stating that immediately after receipt of the said written representation, dated 23.06.2006, the same was entered in the General Diary and after considering the same, an opinion has been formed to the effect that no cognizable offence has been committed and therefore no action has been taken.

4. If the said opinion formed by the police is contrary to law, it is always open for the petitioner to file a private complaint under Section 200 read with 190 of the Code of Criminal Procedure before the concerned Magistrate for taking appropriate action as held by the Apex Court in **HARI SINGH v. STATE OF U.P.**[1]**.**

5. In view of the aforesaid alternative remedy available to the petitioner to file a private complaint, the writ petition cannot be entertained.

The writ petition is accordingly dismissed. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:20.03.2007
CCM/DSK

[1] 2006 (5) SC 513